

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:11CR32-RLV**

UNITED STATES OF AMERICA

vs.

CHARLES A. DAVIS

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ORDER

THIS MATTER is before the Court on a Government's Motion For Peremptory Trial Date in the above captioned matter, filed on October 19, 2011. This matter is currently scheduled for trial during the Court's November 7, 2011, criminal term in the Statesville Division.

In the Government's Motion, the following is represented:

1. The Defendant in this matter is charged with filing false tax returns from 1996-2000 and 2004-2008, in violation of 26 U.S.C. § 7206(1), and corruptly obstructing and impeding the Internal Revenue Service (IRS), in violation of 26 U.S.C. § 7212(a).
2. The Defendant chose to appear *pro se* in this matter.
3. On August 10, 2011, the Defendant was arraigned and ordered detained.
4. On August 19, 2011, the Government filed a motion for alternative production of discovery and asked that stand-by counsel assist Defendant in reviewing discovery;
5. A motion by the Government was filed on August 30, 2011, requesting a new Faretta Hearing.

6. On September 6, 2011, a new Feretta Hearing was held during which the Court granted the Government's Motion for alternative production of discovery.
7. The Court appointed Rahwa Gebre-Egziabher, as stand-by counsel in this matter on September 8, 2011.
8. On September 14, 2011, stand-by counsel was given discovery in this matter which consist of 18,000 pages of documents, scanned onto disk. In addition, there are fifteen years of correspondence between the Defendant and the IRS, as well as, electronic and audio evidence.
9. The Defendant is incarcerated at the Caldwell County Detention Center. The Detention Center limits prisoners access to the technology needed to review such voluminous discovery, that exist in this matter. Stand-by counsel is needed to assist the Defendant in reviewing the discovery which consist of a variety of media.
10. The Government plans to call approximately 15 witnesses with many not from the Charlotte area. Witnesses will need a date certain in order to make themselves available to testify and if outside the District make travel arrangements. The Government is expected to take a week to present its case.
11. Jonathan Marx, attorney with the U. S. Department of Justice has conflicts through January 2012.
12. The Government communicated with Defendant, through stand-by counsel, not directly with the Defendant.
12. The Government proposes a March 2012, peremptory trial date.

Upon consideration of the Government's Motion and that the Defendant has not given his consent to this Motion, the Court will defer ruling on the Motion at this time.

IT IS, THEREFORE, ORDERED that the Clerk's Office will schedule a Motion Hearing for November 8, 2011, at 10:00 AM, at the Statesville Courthouse, in Statesville, North Carolina. **IT IS, FURTHER, ORDERED** that the U. S. Marshal's Office transport the Defendant to the November 8, 2011, hearing in the Statesville Division. **IT IS, FURTHER ORDERED** that the Clerk's Office send copies of this Order to the Defendant, stand-by counsel, U. S. Marshal's Office and the U. S. Attorney's Office.

Signed: October 21, 2011

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

